G.R.S. IX—5]

Previous references. (1920 . Legis) **File No.** 37-10

Serial Nos. 1-2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. A. Collection

~~Part B for~~

SUBJECT

A Regulation further to amend the Municipal Regulation 1906.

Manoaranjan Ghosh
23/4/14

A1679

1910-11

Legn File No. 37 of 1910-

2201
I-Sec.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Proceedings of the General and Revenue Department's.

Judicial and Legislative Section.

"A" Collection: Serial Nos.

A Regulation further to amend the municipal regulation 1906

Table of Contents.

Serial No. of File.	Number and date of letter and contents.	Reference.	Page in A. Procs
1	D O No 1922, dated 16th February 1911, to the Hon'ble the Resident in Mysore. Forwards a copy of the draft regulation to amend the Mysore Municipal Regn, 1906. & states that it will be placed before the Legislative Council on		
2	D.O. No 1244, dated 25th February 1911 from the First Assistant to the Hon'ble the Resident in Mysore. States that there is no prima-facie objection to the Bill being laid before the Legislative Council		

32

To be returned to Fin Dpt for being printed

W25-2201

File No. 37 of 1910
Serial Nos. 1-2

Later reference
~~Legis Council~~
Legis 42 of 1911

II 980-11

GENERAL AND REVENUE SECRETARIAT.

(Legislation)

The Municipal (Amendment) Regulation to authorise borrowing by Municipalities

Part A: Manuscript
for November 1911

Serial Nos 1-2

for further action please see Legis
Legis 42 of 1911

(1) Contents
(2) to (5)

G.R.S. 57

WE
20/3

G.R.S. 11] 1960.-11

GENERAL AND REVENUE SECRETARIAT

(Legislation)

NOTES.

File No. 37-10

FILE HEADING:

The Municipal (Amendment) Regn. to authorise borrowing by Municipalities

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS

(2)

NOTES—First sheet.

P.T.O.

GPB—15,000—24-4-09

C.65 2
5.9.10

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Addition of a section as Section 53A to the Mysore Municipal Regulation empowering a Municipality to borrow money either from Govt or from private persons

CIRCULATED TO COUNCILLORS.

By Order,

C S Balasundaram

3 9 1910. Offg. Secretary to Government.

K. P Puttanna Chetty, Esq.
First Councillor

H. V. Nanjundayya Esq., M.A.; M.L.
Second Councillor. opinion recorded

(2)

GPB—500—7-1-10

LB Mus 191-86

Is there no provision in the Municipal Regulations Bengalee municipalities to borrow money? What is the nature of security on which Govt can (as understood) lend money to the municipalities (Bengalee gives Rs one lakh)

Extensions v Water supply &c

T. Ananda Rao
9.3.04

9.3.04
K. Raghava Rao
9.3.04

4

G.R.S. 131

2

Routine Notes

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(5)

Submitted—

Mr. Regan N

Y under section 140 (1), every municipal council is competent to enter into & perform all such contract as they may consider necessary

2) As regards the conditions

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

TPB—45,000—19-5-08

R.S. 13]

5

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Q

Q

Conditions subject to which Govt advances loans to Municipalities attention is respectfully invited to para 8 of G.O. No. 4706-C L.S. 43-99 dated the 4th June 1902 as G.O. No. 1541-50 L.S. 262-96 dated the 14th April 1899

(6)

MAD 9/3/09

4) In the old Act Regn of 1871 as amended by Regn of 1899, we had three distinct and separate provisions regarding (1) contracts (2) loans and (3) power of Govt to execute certain works and recover the cost thereof from the Municipal fund. Section 27 laid down that the President might enter into contracts for the execution of works sanctioned or authorised by the Board.

N. B.—Should routine notes be written on small slips, the notes must be gomed on slips pasted on this form.

GPB—45,000—19-5-08.

G.R.S. 13]

4

Routine Notes

[To be used only for notes, requisitions, etc., not intended for permanent record.]

---

or for any other things necessary for the purpose of the Regulations. See 9 empowered the municip council to borrow money by w of debenture on the sec rity of the rates, taxes &c Sections 92 and 93 ~~beside~~ ~~were~~ provided that Govt might carry out certa works at their own expe and recover the cost an interest out of the mun cipal fund.

5) In the Municipa Regulation of 1906, section 40 corresponds t sec 27 of the old Regns, and section 176 to Sectio 92 and 93. There is no provision therein corre ponding to sec 91 of the old Regulations, and the question which naturally arises ~~was~~ w why a similar provis is not made in the new Regulations - the pres

W
L
V

(7)

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—45,000—19-5-08

5

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

notes and the correspon-
dence with the Resident
do not contain any ex-
planation for the omissi
6) Under sec 40 of the
new Regulations,
a Municipal Council
may enter into and
perform all contracts
which it considers ne-
cessary or expedient, to
carry into effect the
provisions and purpos
of the Regulation - By
a liberal interpretatio
of this section, it may
be said to empower
a Municipal Council
to raise a loan whic
it may consider necess
for a purpose of the
Regulation (e.g water
supply) as all loans
are only a kinds of
contracts, but such
a construction would
seem to be rather strain

W

8

N. B.—Should routine notes be written on small Slips, the notes must be copied, or silps pasted on this form.

MGCPB—50,000—22-9-04

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent records.]

It cannot be said to ha
been the intention of
the Legislature to rem
all restrictions on the
borrowing power of
municipal Councils
and leave them emp
to enter into obligate
which might eventua
prove inconvenient.
Govt have, no doubt
retained control ove
the budgets of Muni
cipal Councils und
sec 169 of the Regul
however, I
I do not know if the
was considered a su
cient provision to pr
vent Municipal Co
from raising loans
ever Govt thought i
that they should
unexpedient to do so,
it was therefore dee
unnecessary to hav
an express provi
regarding Municip

W

9

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-0

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent records.]

W

(10)

Councils power to rais
loans -

7) In sec 15 of the
Regulation, which def
the general disqualific
for becoming a munici
Councillor, it is stated
a person shall not be
deemed to have incurr
a disqualification b
reason of holding a de
benture or being other
wise interested in an
loan raised by or on
behalf of the munici
Council - The reason
for this provision is
inexplicable & it be
held that under the
new Regulation, muni
cipal Councils have
power to raise loan
by way of debenture
The old municipal R
gulations applied o
to the ci[illegible] of Bangalo

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-0

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent records.]

(11)

The Bombay Dist. Munl Manual P

*: Pages 449 & 450

⊗ Page 462

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

and Mysore and we a
for a fact that the M
nicipal Councils of
those two cities hav
not raised any loan
under sec 91 thereof

5) The Bombay D
Municipalities Ac
on which our Regula
of 1906 is mostly bas
contains no provisio
similar to what is c
tained in sec. 91 of th
old municipal Reg
lations. But in Bro
Indea, there are tw
other separate and
distinct enactment
"The Local Authorit
Loans* Act of 1879" c
"The Local Authorit
(emergency) Loans A
of 1897", which empo
Municipal Councils,
other corporate bod

G.R.S. 13]

9

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent records.]

to raise loans subject to certain restriction and it seems to have been therefore consider unnecessary to provide in the municipal Reg empowering municipa Councils to raise loan (Vide notes under sec. page 175. The Madras M nicipal Manual) In our Province, we hav no ~~provision~~ Regulati similar to those Act. and it seems to me tha we should have intro duced into our Regulat a provision similar t that contained in sec 4 of the old municipa Regulations.

With reference to the improvement works of the Shemoga Mu nicipality, Govt can

(12)

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-0

S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

under sec 176 of the new Regulation, construct the works and recover the cost thereof and also interest, from the municipal Fund

1st Cr) 10.3.09. K. Mayhew Rao Killed

Ob 108 11.3.1909

This may be shown to the Financial Secretary who will probably have valuable remarks to make.

T. Anand Rao 30.3.09

30

31

Forwarded to the Financial Secretary as directed by the 1st Cr.

31.3.09. K. Hudlark

13

Gen Dept 31/3 Submitted N.14

B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Please put up to myself and Board municipal act

5/4

MGCPB—50,000—22-9-08

G.R.S. 13 | X mis 787-08

11

Routine Notes.

[To be-used only for notes, requisitions, etc., not intended for permanent record.]

Subject
mk
24/5
DY
Addl Secy

Addl
25-5-9

M. V. Krishna Rao

14

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

IPB—45,000—19-5-08

ORDERS.

NOTES.

23) I regret the delay in putting up a note, which was to due to 2 reasons:-
First, the matter is not of any urgency at all and Second, I prefer keeping these papers with me for some time to study the question —

24) Our Municipal Regulations seem to be defective in that it neither contains no provision even for the grant of loans from P.F. except when as pointed out in the above notes vide sec. section 176 excepts certain works on behalf a Municipality. In this case the Capital Cost + interest to maybe recovered but nowhere is there even any expression made for the recall of loans in Cash to a Municipality out of P.F. for any purpose & for recovery the sums such loans have

15

ORDERS.

NOTES.

15

however been granted; it
it is not clear how the fun
thus obtained constitute Mun
-cipal funds - as defined in
Section 51 & 52. As the
funds and prospects of a Mun
-cipality are regulated by Statu
it may seem necessary to
provide for such cases ex
expressly in the Regulation
such a difficulty will not
arise under the Bombay Mu
upon which an application is based
Municipalities act - for loan
there are obtained by virtue
an act - (Local Authority Loan
act - &c)

16

2. As regards the provision to
enabling Municipalities to rai
loans in the open market wi
proper safeguards it seems d
doubtful whether the power
can be much used at all
in the near future. As has b
pointed out in the Note under
Section 91 of the old Regulation

14

Rec.
Gl. 7

COMPTROLLER'S OFFICE.

(CIVIL BRANCH.)

ORDERS.

NOTES.

remained practically a dead letter
till 1906 when the new Regulations
came into force -

26) Municipalities in Mysore include
the largest - area viz: Bangalore
Mysore are of very slender re-
sources & which are practically subsidised by govt. by materials & the
finances & them in C... and expend-
-iture annually are almost equa
having little margin for unde-
-taking any big works out of
loan or other funds -

27) Whether a municipality can
raise a loan by way of debentures
depends on the facts of each
debentures being easily real-
-Reliable - so far there has
been no public credit in
Mysore having aside the
2 Mysore State Loans, and
under existing conditions it does
not seem likely that Municipalities
can raise loans except perhaps

* Please see No. flagged at Q
Assam instance -
The cost of audit of Municipal
funds has been entirely borne
by Govt.

17

15

Rec.
Gl. 7

COMPTROLLER'S OFFICE.

(CIVIL BRANCH.)

ORDERS.

NOTES.

by the State guaranteed -

From the annual statement of loans foregoing it will be seen that the ~~loan~~ amount of the loan varied from 2000 to 4800 and it seems that - Gov have not felt much diffi- -culty in financing ~~the~~ Municipalities provided need for the loan and the Council of Reference with whom they are associated

18

Owing to the Guarantee of Municipalities loans have in some cases been advanced without in- But such a thing is not possible if they are the issues in the open market The rate of interest charged is only 4 pc & a ~~reasonable~~ rate at which investors would

Rec.
Gl. 7

COMPTROLLER'S OFFICE.

(CIVIL BRANCH.)

ORDERS.

NOTES.

~~Municipalities~~
On the other hand it may be argued that the grant of a ~~loan~~ power to raise loans in the open market is desirable for the following reasons –

(1). Even if the need for a loan & the due certainty of repayment be assured there is the possibility of for it being made to finance ~~one~~ any other vast and pressing demand as it arises –

(ii) If loans are obtained from for the Municipalities are not generally realise the necessity of economy and may as has happened in so many cases be content applying for & spend the loan if the loan were advanced in the open market. Such a

19

Please see Local Govt. No. 44. Mysore St. for this year report that the balance of the loan of Rs 7,000 due might be remitted.

Rec.
Gl. 7

17

COMPTROLLER'S OFFICE.

(CIVIL BRANCH.)

ORDERS.

NOTES.

Permissible does not presume itself -

(iii). The enabling power in Schedule to establish a Credit of a Municipality. The municipal statement about its redemption may hardly exhaust the effect of its administration its usefulness —

(iv) The enabling such a power will be a step in the direction of local self. Govt: policy & Decentralisation of power —

(v) Lastly there is no harm in such a power is granted in proper safeguards for which can be ensured without, by as the Model is under

Rec.
Gl. 7

COMPTROLLER'S OFFICE.

(CIVIL BRANCH.)

ORDERS.

NOTES

Contest and they can see
if the abbreviation offered
loan
~~him~~ in this order if
arrangement are made
for the punctual discharge
of loans by means of this Fund &c —

Submitted to Comptr).

15
G. Coop.

B. Srinivasa Iyengar

21

G.R.S. 13]

H Govt Do 787-08

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

A/c. L. 7

Please let me have a note on this case

JM
4/6/09

16/6/09

J.S. Chakravarti

Vide note by E. Lukis

16
9.6.09.

M. Srinivasa Iyengar

The notes of messrs Bigla & Srinivasa Iyengar give all necessary information on the subject.

In my opinion the Munic of Mysore may be empowered by law to raise loans in the market for undertaki necessary works & improvem with the sanction of Govt. to the imposition of a maximu

N
6/11/09
A Sec
8/11/09

22

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—45,000—19-5-08

limit of individual accounts in the Govt. Savings Banks there is perhaps some surplus money in the hands of the people which maybe thus drawn by needy municipalities to the advantage of both the debtor & the creditor - A private loan will certainly make the Municipal authorities feel greater responsibility; & the new financial situation will exert a valuable & effective influence on the corporations in the direction of local self-government - After empowering the Municipalities to raise private loans, Govt. may restrict its operation in the direction of helping Municipalities financially, to the sanction of suitable grants-in-aid only in deserving cases. The Municipalities will then realize their position clearly. If they can make out a good case for a grant-in-aid i.e. if

(23)

(21)

a municipality is made to maintain roads & public works on a scale not necessary in the interests of rate-payers they should apply to Govt. But if they require money for ~~improving the~~ municipal ordinary works & if they hope to be able to recover the interest on the money by way of enhanced revenue, they should try the market & an application to Govt in such circumstances will not be ordinarily entertained

J. S. Chakravarti 5/11/09

(22)

191 2-2

G.R.S. 13]

Routine Notes

[To be used only for notes, requisitions, etc., not intended for permanent record.

3) Submitted. The Financial Secretary's attention is invited to the
H.R.D.-H Secy) 10.11.09. Rec'd
Copy Dr. Meyler Road

S

3y So far as the repayment of loans made by the State to a Municipal Council is concerned, I do not think it will be necessary for Government to seek for remedies beyond those contained in the existing Municipal Act. For one thing, the power conferred by Sec 69(2) to modify the Municipal budget by inserting therein (if need be) sufficient provision for the repayment of such loans. And in an extreme case of default or persistent default, it would be open to Government to have recourse to the powers of Co

V5

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—45,000—19-5-08

25

G.R.S. 13 |

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

pulsion and supersession
vested in Item (h) secs 178 &
179.

As regards the
raising of loans in
the open market, the
time does not seem to
have arrived when it
safe or expedient, even
if absolutely necessary
to permit local bodies to
do so. In some years
these bodies will no doubt
look to the State for
such loans as they may re
and there is nothing impro
in this considering the more
intimate relation of offende
in which they stand towards the Gov
as compared with
in British India. In these
circumstances, it is a questi
whether the idea of supplem
the municipal by the addition
receipts as to loans ma
not be deferred for the prese

Dec 1st 1911

K. S. Chandrasekhara Aiyar

GPB—30,000—11-4-06

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

I agree with the Secreta
General & Revenue
Depts. The time ha
not arrived for per
mitting our Municip
Councils to raise
loans in the open
market. In the firs
place such loans
would require a
Government guaran
for their flotation
and even then it
doubtful whether th
requisite funds wil
be forthcoming with
the low interest of 4
per cent at which th
will be offered to the
public. The Case of th

(2)

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30.000—11-4-06

25

G.R.S. 137

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Bangalore Chickball
pur Light Railwa
is in print The rec
any capital has
still to be raised
The fact is that
a great deal more
than 4% can be
realized on Mysor
in safe investment
Even our large
municipalities are
unable to make both
ends meet the Stat
keeping to make
liberal subsidies
for water supply,
roads &c —

(25) The existing provisi
in the Mysore Municipa
Regulation appears to

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—11-4-06

13]

Routine Notes.

[To be used only for notes, requisitions. etc.. not intended for permanent record.]

be supplements to ensure the repayment of loans made by Govt to Municipalities

K. P. Puttanna Chetty

3388 (2 books) 30/11/09

27/11/09 K.S.C

30/11.

3.) Please circulate to Legal Council also. When there is no provision in the Municipal Act to enable a Municipal Council to borrow money, may not the validity of a loan from Govt. be called in question?

T. Ananda Rao

29

2374 2nd cr.)

3.) Let me see some books on Corporations (Public or Private) for further views' please

H. V. Nanjundayya

C.S.B

K. Nagalinga Rao

C.S.B. C.S.B

13/12/09

13-12

15/1/10

T. K.S. 7/1/10

GPB—30,000—11-4-06

4

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(35) It is generally held that a Corporation can Contract loans only if empowered to do so either by its Charter or by the Regulation by which it is constituted. "Minor" Municipalities like that of Shimoga were all constituted before the Regn of 1906 under executive orders of Government; and if Govt by ~~this~~ a similar order granted a loan and directed that it should be recovered in a particular manner, the order was binding and would be carried out without any question of legality being raised.

(30) 36) The question is not so simple after the enactment of the General Municipal Regulation. ~~S. 50 gives the~~ S. 9 makes a Municipal Council a body Corporate; S. 50 gives it power to hold lands and other property. S. 51 defines what the Municipal

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—45,000—19-5-08

V8

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.

N/

fund is but "the" proceeds of a loan
are not mentioned therein. I do not
think that borrowed money" can fall
under the description "moneys accru-
ing by transfers from Private indivi-
duals or otherwise" in that section

(Should 37) The Power to borrow is thus not
expressly given. It may be inferr-
ed also if such is a necessary im-
plication, as it would be if any unqua-
lified duty is cast on it which can
not be possibly carried out with the
funds which it can command. Witho
recourse to borrowing. But ss. 574 &
which lay down the rules of 'Munici-
palities' qualify the obligation by limit
ing it to what is "reasonable" whe
ever in ordinary course include
the Condition of being within the
means at the disposal of the Muni-cipalit
Concerned

31

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—45,000—19-5-08

3

6

38) It is true that in Bombay India, Act XI of 1879 contains an express prohibition that except as provided by that Act and the rules thereunder no local authority shall for any purpose borrow money upon or otherwise charge its fund although we have no such express prohibition in Mysore I think that the Municipalities constituted under the Regulation of 1906 would be held to have no power to borrow any money either from government or private parties

39) If government advance money for such works as the drainage of Shimoga I believe we follow the procedure prescribed in Section 176 and do not advance the money in cash We shall then be quite within legal limits in enforcing payment as laid down in the said provision But it may sometimes be

J

32

necessary to advance money (in cash or otherwise) for temporary purposes (such as Plague measures &c) I cannot agree with Mr. Chandrasekhar Aiyar's view that Govt can for the purpose of levying a loan resort to indirect measures like those covered by ss. 178 & 179 which are meant for different cases. It would hardly be consistent with the position & dignity of Govt to do so.

40) Within its means, however, the Municipality can hardly resist the demands of Govt for repayment of loans made. The whole money of the Municipal is lodged in the Govt treasuries and payts are arranged by transfer entries in the accounts

33

41) There is hardly a likelihood of any of our Muni-

5

31

2374

capacities succeeding in raising loans in the open market without a Govt guarantee. But as the Fl Secretary says, it would be a desirable thing to give this power, and I would add to give Govt guarantee also when needed. Enough for protecting the interests of Govt there is no immediate necessity to amend the Municipal Regulation. I am inclined to think that it would be just as well to add a section dealing with the subject.

(34)

H.V. Sangunnaiyya

29/1/10

43031 (6 books) 2.2.10 Sewan

& 31/1/10

Above taken & the 2nd order on Monday for instructions.

S. Krishnamachariar

41 Please prepare draft amending Regn as proposed in Commissioner's note & in the first instance

2.2.10 T. Ananda Rao

Spencer Stt 3 x 10

Brill Secy 4/2/10 Stt 4/2/10

21st March 10

Please put up typed drafts on the basis of the Calcutta Municipal Act 1899, as passed & submitted today, taking one section regarding Sinking Funds from the Bombay Act.

21/3/10. S. Hariramayya

45 Draft no

28/3/10. T.K.S

46 Type the draft and submit for being forwarded to the Govt Advocate for opinion

S. Hariramayya

1/4/10

Submitted

47 Forwarded to the Govt Advocate for favour of opinion on the draft

B

S. Hariramayya

Secretary
Govt. of Madras

8/4/10.

48 Unless expressly authorised by the

35

U.O. 749
with 4 books

III

16-4-10

U.O. 61
dated 13-4-10.
(with 4 books)

Serial No.

the Regulation under which the Municipal Councils are constituted they have no power to borrow. The Amendment now proposed is therefore necessary. The Bill drafted on the lines of the Calcutta Act meets, I think, the requirements of the case.

13-2-1910 I Army and Navy Govt adv

(47) Submitted for orders to the Secretary.

16/4/10 SW 19/4 (Please see Dewan's order dy.

S. Williamson 19/4/10

(51) 2...

(36)

C.S.B 23/4/10

3668.

(51) It seems to me that we do not need such ~~elaborate~~ detailed provisions as are proposed in the draft to achieve our ~~first~~ purpose. It is unlikely that any of

SH 25/4/10

BPG—55,000—27-4-09

Serial No.

our Municipalities will succeed in raising a loan in the near Ket in the near future As an alternative I would propose the enacting of one additional Section as 53 A in our pre sent Regulation, as I have draft ed This would leave it to Govt to frame the required rules as conditions whenever such a transaction has to be authorised

H.V. Jayaswal 2/5/10

Dewan

Ref S

30/1st 5.10 3 months

52 Please circulate 53A as proposed 2 months may be approved

T. Ananda 14 3/May/10 Dewan

53 Circulate

C.S.B 2/9/10

72/L.C. 2/9/10

Noted

Secretariat 4/9/10

Law Member

Council Member

NOTE—Contn. sheet.

GPB—55,000—27-4-09

34

Serial No. 94

7.7.10
9.9.10

In the light of the discussions which are recorded in the preceding pages I think a general provision enabling a Municipality to borrow money is very much needed. As remarked by the Dewan the loans made by Govt. to Municipalities have to rest on a proper legal basis. I therefore agree to the proposed amendment by the addition of Sec. 53 to the Municipal Regulat

K. P. P. Thampi 9/9/10

Dewan

7.7.9.10
12.9.10
(3 books)

C.S.B. C.S.B.
10/9/10

S.B. S. Ittiavirah 10/9/10

(38)

GPB—55,000—27.4.09

35

Submitted to His Highness.

55

These papers relate to the question whether Municipalities in Mysore are legally empowered to raise loans, and as to the authority and security on which Government advances loans to these bodies. The question has been fully discussed in the notes on the file, and the general position is explained in the Second Councillor's minute dated the 29th January 1910. The result of the discussion is that it is agreed on all hands that unless expressly authorised in that behalf by the Regulation under which Municipal Councils are constituted, these bodies have no power to borrow whether from the Government or in the open market, and that it is therefore necessary to insert an enabling provision in the Regulation of 1906.

(page 27 of file notes)

39

S.

x

(2.) The draft of a new Section 53 A prepared by the Second Councillor appears to be suitable and has been also agreed to by the First Councillor. If the proposal to amend the Municipal Regulation by inserting this new section is approved, action will be taken to place the draft Regulation before the Legislative Council after the necessary consultation with the Resi-

dency: [illegible]

222

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to amend the Mysore Municipal Regulation so as to empower the Municipalities to borrow money.

244.

~~KRW~~
17/10/10

WO

Secy
Addl Secy

Bo ctc for further action
Ch E.S 3
25/10/10

BRM
25/10/10

Hm
27/10/10

87 Bo to dft Mun Regn with a slt of objects & reasons
27/10/10

S. H. Narayanamurthy

Serial No. 58. Drafts submitted for approval

NO 8/11/10 SN 8/11/10 T. 12th S

Release telegrams
Letters Comm
all the Select Committee
meetings fixed for next Sunday
are now kept in Leg. Lib. Hall

24/11/10. S. Hiriannaiah

Pres. Bill 30/11

Bill

Resubd
SN-III
22/12/10

59. We have already got
a Municipal Amendment
Bill before the Council. This
will have to be another Amendment
Bill of the same Legislature. It
appears to be the better course to
proceed with this after the Bill now
pending becomes law. (This came
too late to be incorporated in the
last Bill — in fact after it had
been obtained for the introduction

23/12/10. S. Hiriannaiah

1134.

2nd
3rd

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No

60 What is the objn to working
to the Resolution & getting the
thing ready to be before the
Council It may be pos-
sible to take this & there
delay in passing the other
measure.

A. V. Mampuni
28/12/60

This is difficult
i. the Council
the next
Bill will have to be
read and discussed
however

Please put up clean
draft

A. V. Mampuni
29/12/60

Ley 31/12 Sent with a clean copy of the Statement
of Objects & Reasons. The others seem to be all right
28/12 T.K.S
29/12
31/12/60 61. (1) As the Municipal
Amendment Bill is now before
the Legislative Council has al-
ready been amended by the Select Com-
it may not be possible to take
this or that Bill. A letter
(2) The usual drafts & Notes
of the Statement of Objects & Reasons

(42)

NOTE—Contn. sheet.

GPB—55,000—27-4-99

Serial No

encl: as stated

S. Hiriyanna

7/2/11

9586

5.1.11

Draw)

02) The avant-lettre to the Hon'ble the Resident has been issued from the Drawing Office and plans on pl and the papers are re-submitted

8/2/11

Brill

V.V.L. 21.2.11

C.S.B.

22/2/11

S. Hiriyanna

23/2/11

Yes

Sam

2/2

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue
Secretariat.

Legis File No. 37 of 1910-11

Serial No	
	No D.O. 1922 dated 16/2/11 to the Hon'ble Col. Hugh Daly C.S.I., C.I.E. Resident in Mysore, Bangalore. Forwards a copy of the draft Municipal Reg. Amendment Bill to authorise the Municipalities to borrow and informs that the same will be placed before the Legis. Council in due course.
2	No D.O. 2147 (1264) dated 25/2/11 from the First Asst to the Hon'ble the Resident in Mysore, Bangalore. Informs that the Resident has no prima facie objection to the bill being laid before the Legis. Council

(4)

(3)

Note with this file. Perhaps the First Councillor will be in charge of the Bill. This will be noted for the agenda of the next Council meeting.

28/2 (25) T.R.S. 64) There will probably be

CN (11)

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Revenue and Revenue Secretariat. Legislative File No. 37 of 1910-11

Serial No.

Some Confusion in our putting this Bill before the Leg Council before the two amending Bill - which has just passed the select Committee - Hence is passed into law all the Bills are for amending the Municipal Reg. 65) if approved this will be kept by till the other is promulgated as law. x.

28/2/11 Sd S. Hemamayya

2nd

1605 66) I do not see any reason for apprehending confusion. But Place before Hon C. & L Dewan.

H. V. Nanjundayya

3/3/11

Hon C.S.-B

Sd 6/3/11

67)

2326 13.3.11 Sd C & D Dewan I shall take charge of the Bill K.P. Puttanna Chetty

1605 14.3 11 Go ahead T. Ananda Rao 13/3/11

Dewan

Bill Hon C.S. 15/3/11 Sd

NOTE—Contd. sheet.

GPB—50,000—12-8-10

G.R.S. 12]
General and Revenue
Secretariat.

Legs File No. 39 of 1910-11

Serial No.	
68)	For further action please see Legs 42-11 Sess 1-S A.

(W)

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Legis. 37 of 1910 - 11
Serial 1

Bangalore
Aug 4th to.

D. O. No. 1922/Eg. 2 dated 16th Feb 11

Draft D.o

To the Hon'ble the Resident in Mysore

My Dear Sir.

I forward herewith a Copy of a Bill further to amend the Mysore Municipalities Regulation, 1906 so as to empower Municipal Councils to raise loans ~~to meet certain charges~~ for the Construction of works of a permanent nature; should such a course be considered necessary at any time, together with a statement of the objects and reasons. As will be seen therefrom the Bill is a short and an enabling one and I am to state that it is intended to place it before the Legislative Council in the Course

Yours sincerely

(47)

To The Hon'ble
Col. Hugh Daly C.S.I., C.I.E.

(Dewan)

A Bill to further amend the Mysore Municipal Regulation, 1906.

Encl to Sl 1

Preamble

Whereas it is expedient to further amend the Mysore Municipal Regulation, VII of 1906; His Highness the Maharaja is pleased to enact as follows:-

Insertion of new section after section 53

The following new section shall be inserted after section 53, namely:-

"53 A. A Municipal Council may, in pursuance of a resolution passed at a special General Meeting and with the previous sanction of Govt. and subject to such conditions as may be prescribed by Govt. as to security, the rate of interest and the repayment of principal and interest, borrow either from Government or from private persons, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Regulation"

Serial No.

S 53 A.

A Municipal Council may in pursuance of a resolution passed at a special meeting, and with the previous sanction of Government, and subject to such conditions as may be prescribed by Govt. as to the terms as to the rate of interest, and the repayment of Principal and interest, borrow either from Government or from private persons, any sum of money required for carrying out or constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Regulation.

(49)

2/5/10

2/5/10

GPB—55,000—27-4-09

Statement of Objects and

The old municipal Regu
of 1891 as amended by the Ca
of Bangalore and Mysore
contained a provision dee
enabling municipalities to
loans for works of a perma
nature either from Govern
or in the open market, whe
such a course was deem
desirable. But this provis
was omitted from the Muni
Regulation, II of 1906, now i
which is based on the Bo
District Municipalities Act,
defect has been remedied
in Bombay by the amendm
the Local Authorities Loa
Acts of 1879 and 1897. As
are no corresponding Regul
enacted for this State whi
by the absence of such
the Municipal Council
will be unable
raise a loan when
occasion may arise, it h
been considered desirable to a
the existing Municipal Regul
in terms of Sec 51 of
old municipal Regulations hi
suitable modifications. A new
as section 53 A is accordingly
to be inserted

Legis D 1400-11

D.O. No. 2116

THE RESIDENT MYSORE

BANGALORE.

25th February 1911.

My Dear Sir,

I am desired to acknowledge the receipt of your D.O. letter No.1922, dated the 16th February 1911, forwarding a copy of a Bill further to amend the Mysore Municipal Regulation, 1906, and, in reply, to state that there is no prima facie objection to the Bill being laid before the Legislative Council.

Yours sincerely,

T. Ananda Row, Esq., C.I.E.,

Dewan of Mysore.

K.M.
24.2.11.